

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

RYAN HAYGOOD, DDS AND
HAYGOOD DENTAL CARE, LLC

CIVIL ACTION

NO.:

VERSUS

JUDGE

ROSS H. DIES, ET AL

MAGISTRATE JUDGE

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, come defendants, Sam Trinca, James Moreau, and Dean Manning (hereinafter the "Panel Members"), who, pursuant to 28 U.S.C. 1441, seek removal of this matter and respectfully aver:

1.

On August 7, 2015, Plaintiffs filed a *Fourth Supplemental and Amended Petition for Damages* in the First Judicial Court for the Parish of Caddo, State of Louisiana, bearing Docket Number 554,003, Section "C", naming the Panel Members as additional defendants in the above captioned matter.

2.

In addition to naming the Panel Members as additional defendants, Plaintiffs' *Fourth Supplemental and Amended Petition for Damages* re-alleged and incorporated all allegations and prayers for relief contained in all prior petitions filed in this matter.

3.

In paragraph 36 of Plaintiffs' *Third Supplemental and Amended Petition for Damages*, Plaintiffs alleged that the defendants and their co-conspirators have acted in violation of 42 U.S.C. §1983 both as to the 2013 charges and all prior proceedings. As such, Plaintiffs have alleged the

same against newly named defendants, the Panel Members, in addition to asserting claims for due process violations in the *Fourth Supplemental and Amended Petition*.

4.

The Panel Members were served with the *Fourth Supplemental and Amended Petition for Damages* on August 17, 2015 and August 18, 2015. (Exhibits 1-3). Thirty (30) days have, therefore, not elapsed from service on the Panel Members. Consequently, Notice of Removal is timely pursuant to 28 U.S.C. §1446(b).

5.

Because this action arises under the Constitution and/or laws of the United States, this Court has jurisdiction over this civil action pursuant to 42 U.S.C. §1983 and 28 U.S.C. §1331. Accordingly, this action may be removed to this Honorable Court pursuant to 28 U.S.C. §1441.

6.

Additionally, pursuant to 28 U.S.C. §1367, this Honorable Court has supplemental jurisdiction over any and all claims for which it does not have original jurisdiction.

7.

As evidenced by the attached consents, all named Defendants in the above-captioned matter consent to the removal. (Exhibits 4-11).

8.

Promptly after filing this Notice of Removal, written notice hereof will be given to Plaintiffs and will be filed with the Clerk of the First Judicial District Court for the Parish of Caddo, State of Louisiana.

9.

A copy of all process, pleadings, and orders served upon the Panel Members is attached hereto in accordance with 42 U.S.C. §1446(a). (Exhibits 12-14).

10.

WHEREFORE, Defendants, Sam Trinca, James Moreau, and Dean Manning, pray that this Notice of Removal be deemed good and sufficient and that the above-captioned matter be removed from the First Judicial District Court for the Parish of Caddo, State of Louisiana, to this Honorable Court for trial and determination as provided by law, and this Court enter such order and issue such process as may be proper to bring before it copies of all records and proceedings in such civil action from such state court, and thereupon proceed with the civil action as if it had been commenced originally in this Honorable Court.

RESPECTFULLY SUBMITTED:

JAMES D. ÔBUDDYö CALDWELL
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I certify that a copy of the above and foregoing has been forwarded to all counsel of record by electronic mail and/or U.S. Mail and to Plaintiffs' Counsel via electronic mail and/or facsimile and U.S. Mail on this 8th day of September, 2015.

s/William P. Connick

WILLIAM P. CONNICK